



General Assembly

Substitute Bill No. 200

January Session, 2005

* _____SB00200GL_____031705_____*

**AN ACT CONCERNING REGISTRATION OF HOMEMAKER-
COMPANION AGENCIES WITH THE DEPARTMENT OF CONSUMER
PROTECTION.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2005*) As used in sections 1 to
2 11, inclusive, of this act:

3 (1) "Certificate" means a certificate of registration issued under
4 section 3 of this act.

5 (2) "Commissioner" means the Commissioner of Consumer
6 Protection or any person designated by the commissioner to
7 administer and enforce the provisions of sections 1 to 11, inclusive, of
8 this act.

9 (3) "Companion services" means nonmedical, basic supervision
10 services to ensure the well-being and safety of a person in such
11 person's home on a short-term basis.

12 (4) "Homemaker services" means nonmedical, supportive services
13 that ensure a safe and healthy environment for a person in such
14 person's home, such services to include assistance with personal
15 hygiene, cooking, household cleaning, laundry and other household
16 chores.

17 (5) "Homemaker-companion agency" means any public or private
18 organization, employing one or more persons that is engaged in the
19 business of providing companion services or homemaker services.
20 Homemaker-companion agency shall not include a home health care
21 agency, as defined in subsection (d) of section 19a-490 of the general
22 statutes, or a homemaker-home health aide agency, as defined in
23 subsection (e) of section 19a-940 of the general statutes.

24 (6) "Service plan" means a written document provided by a
25 homemaker-companion agency to a person utilizing services provided
26 by such agency, that specifies the scope, type, frequency and duration
27 of homemaker or companion services that are to be provided by such
28 agency for the benefit of the person.

29 Sec. 2. (NEW) (*Effective October 1, 2005*) No person acting
30 individually or jointly with any other person shall establish, conduct,
31 operate or maintain a homemaker-companion agency in this state
32 without first obtaining a certificate of registration from the
33 Commissioner of Consumer Protection pursuant to section 3 of this
34 act.

35 Sec. 3. (NEW) (*Effective October 1, 2005*) (a) Any person seeking a
36 certificate of registration as a homemaker-companion agency shall
37 apply to the Commissioner of Consumer Protection, in writing, on a
38 form provided by the commissioner. The application shall include the
39 applicant's name, residence address, business address, business
40 telephone number and such other information as the commissioner
41 may require. An applicant shall also be required to certify under oath
42 to the commissioner that: (1) Such agency complies with the
43 requirements of section 9 of this act concerning employee state
44 criminal history records checks, (2) such agency provides all persons
45 receiving homemaker or companion services with a written
46 individualized contract or service plan that specifically identifies the
47 scope, type, frequency and duration of homemaker or companion
48 services provided by the agency to the person, and (3) that all records
49 maintained by such agency shall be open, at all reasonable hours, for

50 inspection, copying or audit by the commissioner.

51 (b) Each application for a certificate of registration as a homemaker-
52 companion agency shall be accompanied by a fee of three hundred
53 dollars.

54 (c) Upon the failure by a homemaker-companion agency to comply
55 with the registration provisions of this section, the Attorney General, at
56 the request of the Commissioner of Consumer Protection, is authorized
57 to apply in the name of the state of Connecticut to the Superior Court
58 for an order temporarily or permanently restraining and enjoining a
59 homemaker-companion agency from continuing to do business in the
60 state.

61 Sec. 4. (NEW) (*Effective October 1, 2005*) Upon receipt of a completed
62 application and fee, the Commissioner of Consumer Protection shall
63 issue and deliver to the applicant a certificate to engage in the business
64 for which the application was made; or refuse to issue the certificate.
65 The commissioner may suspend, revoke or refuse to issue or renew
66 any certificate issued under sections 1 to 11, inclusive, of this act or
67 may place a registrant on probation or issue a letter of reprimand. No
68 application for the reinstatement of a certificate which has been
69 revoked shall be accepted by the commissioner within one year after
70 the date of such revocation.

71 Sec. 5. (NEW) (*Effective October 1, 2005*) (a) Upon refusal to issue or
72 renew a certificate, the Commissioner of Consumer Protection shall
73 notify the applicant of the denial and of the applicant's right to request
74 a hearing within ten days from the date of receipt of the notice of
75 denial.

76 (b) If the applicant requests a hearing within such ten days, the
77 commissioner shall give notice of the grounds for the commissioner's
78 refusal and shall conduct a hearing concerning such refusal in
79 accordance with the provisions of chapter 54 of the general statutes
80 concerning contested cases.

81 (c) If the commissioner's denial of a certificate is sustained after such
82 hearing, an applicant may make new application not less than one year
83 after the date on which such denial was sustained.

84 Sec. 6. (NEW) (*Effective October 1, 2005*) (a) The Commissioner of
85 Consumer Protection, at all reasonable hours, may inspect, copy or
86 audit all records maintained by such agency. The commissioner may
87 conduct investigations and hold hearings on any matter under the
88 provisions of sections 1 to 11, inclusive, of this act. The commissioner
89 may issue subpoenas, administer oaths, compel testimony and order
90 the production of books, records and documents. If any person refuses
91 to appear, to testify or to produce any book, record, paper or document
92 when so ordered, upon application of the commissioner, a judge of the
93 Superior Court may make such order as may be appropriate to aid in
94 the enforcement of this section.

95 (b) The Attorney General, at the request of the commissioner, is
96 authorized to apply in the name of the state of Connecticut to the
97 Superior Court for an order temporarily or permanently restraining
98 and enjoining any person from violating any provision of sections 1 to
99 11, inclusive, of this act.

100 Sec. 7. (NEW) (*Effective October 1, 2005*) (a) The Commissioner of
101 Consumer Protection may revoke, suspend or refuse to issue or renew
102 any certificate of registration as a homemaker-companion agency or
103 place an agency on probation or issue a letter of reprimand for: (1)
104 Conduct by the agency, or by an employee of the agency while in the
105 course of employment, of a character likely to mislead, deceive or
106 defraud the public or the commissioner; or (2) engaging in any
107 untruthful or misleading advertising.

108 (b) The commissioner shall not revoke or suspend any certificate of
109 registration except upon notice and hearing in accordance with chapter
110 54 of the general statutes.

111 Sec. 8. (NEW) (*Effective October 1, 2005*) (a) Each person obtaining a
112 homemaker-companion agency certificate of registration shall: (1)

113 Exhibit the agency's certificate of registration upon request by any
114 interested party, (2) state in any advertisement the fact that the agency
115 is registered, and (3) include the agency's registration number in any
116 advertisement.

117 (b) No person shall: (1) Present or attempt to present, as such
118 person's own, the certificate of another, (2) knowingly give false
119 evidence of a material nature to the Commissioner of Consumer
120 Protection for the purpose of procuring a certificate, (3) represent
121 himself or herself falsely as, or impersonate, a registered homemaker-
122 companion agency, (4) use or attempt to use a certificate which has
123 expired or which has been suspended or revoked, (5) offer to provide
124 homemaker or companion services without having a current certificate
125 of registration under the provisions of sections 1 to 11, inclusive, of this
126 act, or (6) represent in any manner that such person's registration
127 constitutes an endorsement by the commissioner of the quality of
128 services provided by such person.

129 (c) In addition to any other remedy provided for in sections 3 to 7,
130 inclusive, of this act, any person who violates any provision of
131 subsection (b) of this section, shall be guilty of a class B misdemeanor.

132 (d) Certificates issued to a homemaker-companion agency shall not
133 be transferable or assignable.

134 (e) All certificates issued under the provisions of sections 1 to 11,
135 inclusive, of this act shall expire annually. The fee for renewal of a
136 certificate shall be the same as the fee charged for an original
137 application. Fees collected pursuant to the issuance of a certificate or
138 renewal of a certificate shall, upon deposit in the General Fund, be
139 credited to the Department of Consumer Protection for personal
140 services.

141 (f) Failure to receive a notice of expiration of registration or a
142 renewal application shall not exempt a homemaker-companion agency
143 from the obligation to renew.

144 Sec. 9. (NEW) (*Effective October 1, 2005*) (a) Any homemaker-
145 companion agency shall require that any current or prospective
146 employee of such agency shall submit to a state criminal history
147 records check. The criminal history records check required by this
148 section shall be conducted in accordance with section 29-17a of the
149 general statutes, and the costs incurred for such check shall be paid by
150 the homemaker-companion agency.

151 (b) If a homemaker-companion agency receives notice of a state
152 criminal history records check concerning a current or prospective
153 employee, the agency shall make its determination concerning the
154 employment status of such person based on: (1) The level and
155 seriousness of the crime; (2) when the crime was committed; (3) the age
156 of the current or prospective employee at the time the crime was
157 committed; (4) the circumstances surrounding the crime; (5) the
158 relationship between the crime and the current or prospective
159 employee's duties as a direct care provider; and (6) the current or
160 prospective employee's criminal and corrections record since the
161 crime.

162 Sec. 10. (NEW) (*Effective October 1, 2005*) A homemaker-companion
163 agency shall not provide homemaker services or companion services to
164 any person, unless prior to providing any such services, the agency has
165 provided the person who is to receive the services with a written
166 contract or service plan that prescribes the scope, type, frequency,
167 duration and cost of the services to be provided by the agency, and
168 such contract or service plan is accepted and signed by the person who
169 is to receive the services. In addition, any contract or service plan
170 provided by a homemaker-companion agency to a person receiving
171 services shall also provide notice (1) of the person's right to request
172 changes to, or review of the contract or service plan, (2) that all the
173 employees of such agency have submitted to a state criminal history
174 records check, and (3) that such agency's records are available for
175 inspection or audit by the Department of Consumer Protection.

176 Sec. 11. (NEW) (*Effective October 1, 2005*) The Commissioner of

177 Consumer Protection shall adopt regulations, in accordance with
178 chapter 54 of the general statutes, for purposes of sections 1 to 11,
179 inclusive, of this act.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2005</i>	New section
Sec. 2	<i>October 1, 2005</i>	New section
Sec. 3	<i>October 1, 2005</i>	New section
Sec. 4	<i>October 1, 2005</i>	New section
Sec. 5	<i>October 1, 2005</i>	New section
Sec. 6	<i>October 1, 2005</i>	New section
Sec. 7	<i>October 1, 2005</i>	New section
Sec. 8	<i>October 1, 2005</i>	New section
Sec. 9	<i>October 1, 2005</i>	New section
Sec. 10	<i>October 1, 2005</i>	New section
Sec. 11	<i>October 1, 2005</i>	New section

Statement of Legislative Commissioners:

In section 7(a) after the word "agency" the words "or place an agency" were added to make the section consistent with other registration powers and duties ascribed to the Commissioner of Consumer Protection.

AGE *Joint Favorable C/R*

GL

GL *Joint Favorable Subst.-LCO*